

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civ. No. 5:20-cv-00511-FL

SHELLY BERRY-SYLLA,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

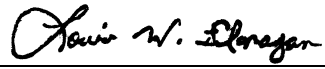
**ORDER**

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking an award of \$18,452.50. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). In this case, the Commissioner has withheld a total of \$24,452.50, representing 25 percent of past due benefits paid to Plaintiff.

In a prior case for judicial review of the Plaintiff's same applications for disability benefits and resulting in an order and judgment remanding the case to the Commissioner, the Court previously awarded Plaintiff attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,600.00 (See No. 5:17-cv-509-BO (E.D.N.C.), Doc. 34). In this cation, the Court previously awarded Plaintiff attorney's fees under EAJA in the amount of \$6,700.00 (Doc. 36).

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 18,452.50, and refund to Plaintiff the smaller award between this amount and the prior EAJA awards.

This 27th day of October, 2022.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

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LOUISE W. FLANAGAN  
United States District Judge